IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1906 OF 2003
IN
SUIT NO.3339 OF 2002

GIC Housing Finance Ltd. ..Plaintiff

Vs.

Vora Estate Developer and Ors. ..Defendants

Mr.A.B.Salunkhe i/b S.Ashwinikumar and Co. for the plaintiff

Mr.S.G.Lakhani for defendant no.1 and 2

CORAM : S.U.KAMDAR, J
DATED : 19TH JANUARY, 2006

P.C.:

. It is an admitted position in the present case that security created is only in respect of 10 flats, two of which are not constructed. It is also an admitted position that 8 flats are already been sold of by defendant to third parties and third party rights have already been created. The learned counsel for the plaintiff insist for appointment of Court Receiver without the said third party being impleaded in the proceedings and heard. He insists that the Court Receiver should be appointed of the said flats without third party

being heard. It is not possible to accede to any such request. He is refusing to implead the said parties and thereafter apply for relief. In that light of the matter, Notice of Motion is dismissed. No order as to costs.